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Attorneys for Defendants

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

MEMC ELECTRONIC MATERIALS, INC.,) Case No.: C 01-4925 SBA (JCS)
Plaintiff,) Related w/Case No. C 05-02133 SBA (JCS)
vs.)
MITSUBISHI MATERIALS SILICON)
CORPORATION, a corporation of Japan;)
MITSUBISHI SILICON AMERICA)
CORPORATION, a California corporation;)
SUMITOMO MITSUBISHI SILICON)
CORPORATION, aka SUMCO, a corporation)
of Japan; SUMCO USA CORPORATION, aka)
SUMCO USA, a Delaware Corporation; and)
SUMCO USA SALES CORPORATION, aka)
SUMCO USA SALES, a Delaware corporation,)
Defendants.)
**MISCELLANEOUS ADMINISTRATIVE
REQUEST TO FILE EXHIBIT 10 OF
DECLARATION OF MATTHEW T.
POWERS IN SUPPORT OF
DEFENDANTS' REPLY BRIEF IN
SUPPORT OF MOTION FOR SUMMARY
JUDGMENT OF ZERO DAMAGES
BECAUSE OF NO INDUCEMENT UNDER
35 U.S.C. §271(b) UNDER SEAL
PURSUANT TO LOCAL RULE 79-5 (d)
AND 7-11; AND ORDER**
Date: January 10, 2005
Time: 1:00 p.m.
Courtroom 3, 3rd Floor
Honorable Saundra Brown Armstrong

MISCELLANEOUS ADMINISTRATIVE REQUEST TO FILE EXHIBIT 10 OF DECLARATION OF MATTHEW T. POWERS IN SUPPORT OF DEFENDANTS' REPLY BRIEF IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT OF ZERO DAMAGES UNDER SEAL AND [PROPOSED] ORDER - CASE NO. C 01-4925 SBA (JCS), RELATED W/CASE No. C 01-02133 SBA (JCS)

1 Defendants, through their counsel, hereby request the Court to file under seal Exhibit 10 of
2 the Declaration of Matthew T. Powers in Support of Defendants' Reply Brief in Support of
3 Defendants' Motion For Summary Judgment of Zero Damages Because of No Inducement Under 35
4 U.S.C. § 271(b). Exhibit 10 consists of a deposition transcript taken on November 3, 2005
5 (yesterday) of I.S. Kim, an employee of Samsung Austin, a third party. Counsel for Samsung
6 designated the transcript "Confidential" under the Protective Order in effect in this case. It is
7 necessary and appropriate to file this Exhibit under seal in that the exhibit has been designated by a
8 third party (Samsung Austin) "Confidential" under the Protective Order in effect in this case.
9 Defendants request that Exhibit 10 be filed under seal and submit the attached proposed order
10 granting that requested relief.

11 I declare under penalty of perjury that the foregoing is true and correct.

12 Dated: December 13, 2005

13 Respectfully submitted,

14 By: /s/

15 _____
16 Edward V. Anderson
17 Robert B. Morrill
18 Matthew T. Powers
19 SIDLEY AUSTIN BROWN & WOOD LLP

20 R. Terrance Rader (*Pro Hac Vice*)
21 David T. Nikaido (*Pro Hac Vice*)
22 RADER, FISHMAN & GRAUER PLLC

23 Attorneys for Defendants

1 **[PROPOSED] ORDER**

2 Good cause appearing therefor, the Court ORDERS that Exhibit 10 to the Declaration of
3 Matthew T. Powers in Support of Defendants' Reply Brief in Support of Its Motion for Summary
4 Judgment of Zero Damages Because of No Inducement Under 35 U.S.C. §271(b) shall be filed under
5 seal.

6 IT IS SO ORDERED.

7 Dated: 12/19/05



Honorable Saundra B. Armstrong
United States District Judge

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